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July 15, 2008

Mr. Charles L.A. Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Docketing Department
Columbia, SC 29211

Re: Docket 2008-196-E

Dear Mr. Terrini:

Concerning the petition filed by SC&G to gain approval to start site clearing, excavation and construction of two AP1000 nuclear reactors (still in design phase), I add the following points to the record:

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1. Friends of the Earth intends to formally intervene in this docket and has, as established by the Commission, until August 20 to do so. That we have not intervened at this time should not in any way prejudice comments formally submitted at the request of the PSC in the matter of the petition before us. We should not be forced to intervene at an earlier date than the intervention date established by the Commission. If the PSC will only consider comments on the petition submitted by a formal intervenors, then we should be allowed to intervene by the deadline established and our comments then be given due consideration at that time. This is an argument for including the petition in the process for the overall application and not deciding at this point on the petition.

Comments solicited by the PSC itself should be given all due consideration and we note that a number of people and organizations have commented in this matter, including at least one intervenor. If the PSC will discount or ignore comments of parties which have not yet formally intervened, then I request that the comment period be immediately reopened and it be clearly stated that comments submitted by intervening parties will hold more weight than comments of individual rate payers or groups which have members who are SCE&G rate payers but which have not intervened. I note that there was nothing in the PSC solicitation of comments on the petition that one had to be an intervenor to submit comments. Thus, the implication is that all comments would be equally considered.

2. In his July 14, 2008, letter, Mr. Chad Burgess, lawyer for SCE&G, states that the petition being sought would only cover "interim construction," yet exactly what the company will do has still not been defined. We believe that, given the direct relationship to the application, it is incumbent upon the PSC to establish exactly what type of site clearing, excavation and "interim construction" will take place and request that this must be made part of the docket. The extent of "interim construction" can be clarified in a hearing, which is permitted under law.

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3. While SCE&G states that statutory requirements for “public convenience and necessity” have been met, yet there is no body of evidence to validate this claim. Rather, until the PSC has conducted a formal process, such a statement is nothing more than the opinion of the company and there is no such legal determination that “public convenience and necessity” has been met. It is only via formal process, be it a hearing or during consideration of the application, that formal consideration of this point can be made and a decision issued.
4. We are still not aware that public notice via newspapers and inserts in bills have been made by SCE&G of the petition to begin “interim construction.” Given that the petition requesting approval for “interim construction” is a discrete matter before the Commission and a key part of the application, it must be noticed to the public in a clear manner and there is no evidence that this has yet happened.
5. The comment period established by the Commission was very brief, and, for a matter of this importance, we feel it should have been longer. As it is unclear exactly when notice via newspapers and bill inserts was made by SCE&G, it is possible that the company may well have not made any notice, as required by the Commission, about either the application or the petition before the June 30 comment period ended. We request that the Commission now establish a longer comment period, beginning after the company formally confirms to the Commission that the public has been informed of the petition.

We thus affirm our request that the petition not be granted on July 16, that Friends of the Earth be given a reasonable amount of time to confer with our lawyer, and that a formal process be established to review the petition and all aspects of it. This formal process could well include a hearing, with full public participation, though the more reasonable approach would be to consider the petition as part of the review of the application, at which time all intervening parties will be formal participants in the process.

We respectfully request consideration of the points raised in the letter and in other filings by Friends of the Earth in this matter.

Sincerely,



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